

REMARKS

I. Status of the Application

Claims 1-20 are pending in this application. In the March 15, 2006 Office action, the examiner rejected claims 1-12 and 19 under 35 U.S.C. § 103(a) as allegedly being obvious over Brodzik in view of U.S. patent no. 6,507,260 to Baumann et al. (“Baumann”). The examiner also rejected claims 13, 14 and 17 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,748,405 to Brodzik et al. (“Brodzik”). In addition, the examiner rejected claims 15, 16, 18, and 20 under 35 U.S.C. § 103(a) as allegedly being obvious over Brodzik in view of U.S. patent no. 6,008,711 to Bolam (“Bolam”).

In this response, applicant has amended claims 13, 19 and 20. Applicant has also traversed the examiner’s rejection of claims 1-20 under 35 U.S.C. § 102(b) and § 103(a).

II. The Rejection of Independent Claims 1 and 8 should be Withdrawn

In the March 15, 2006 Office action, the examiner rejected claims 1 and 8 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Brodzik in view of Baumann. Applicants respectfully traverse the examiner’s rejection of claims 1 and 8 under 35 U.S.C. § 103(a), as the examiner has failed to make a *prima facie* case of obviousness as required in MPEP § 2142 - 2143.

A. Brodzik

Brodzik discloses a current sensor arrangement 30 where a coil 34 is wound about a donut-shaped core 36, and one or more conductors 44a, 44b are passed through the

core, allowing current within the conductors to be detected. The current sensor arrangement 30 is mounted on a plastic block/housing 32 that is adapted for mounting on a printed circuit board 72. (See FIG. 2 of Brodzik).

B. Baumann

Baumann discloses a toroidal core 10 with a cup shaped separator 14 formed about the toroidal core. A first winding 12 is wound about the core 10 inside of the separator 14. A second winding 16 is wound about the core 10 outside of the separator 14. (See FIG. 1 of Baumann). The particular transformer disclosed in Baumann is designed to reduce capacitance between the windings as well as the associated noise. (See Baumann, col. 3, lines 14-20 as well as abstract). The noise reduction feature makes this type of transformer arrangement particularly useful in communication lines. (See Baumann, col. 1, lines 5-20).

C. There Must Be a Basis in the Art for Combining the References

In order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to combine the reference teachings. MPEP § 2143. A motivation to combine references is required to “prevent the use of hindsight based on the invention to defeat patentability of the invention.” See In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680 (Fed. Cir. 1990).

In the March 15, 2006 Office action, the examiner provided the following

argument as a motivation to combine Brodzik and Baumann: “[t]he motivation would have been to provide reduction in capacitance between the first winding and the second winding.” The examiner cites the abstract of Baumann in support of this motivation. Applicant respectfully notes that reduction of capacitance between windings and related noise transfer in the line is a problem that is particularly relevant to communication systems and the type of transformer disclosed in Baumann (see Baumann, col. 3, lines 15-20). However, reduction of capacitance between windings and related noise in the line would not be a typical consideration in current sensor arrangements, such as the current transformer disclosed in Brodzik. The current transformer of Brodzik is instead concerned with detecting the actual current in a conductor (i.e., all the current flowing through the conductor without attempting to separate noise from any signal). Thus, the examiner’s motivational statement for combining Brodzik and Baumann is improper, as there does not appear to be a motivation for reducing capacitance between windings and associated noise in the line in the Brodzik reference. Accordingly, one of ordinary skill in the art would not be motivated to combine the teachings of Baumann with those of Brodzik, and the examiner’s rejection of claims 1 and 8 under 35 U.S.C. § 103(a) should be withdrawn.

### III. The Rejection of Independent Claim 13 Should be Withdrawn

#### A. All Claim Limitations Must Be Taught or Suggested

In the March 15, 2006 Office action, the examiner rejected claim 13 under 35 U.S.C. § 102(b) as being anticipated by Brodzik. As provided in MPEP § 2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In the present case, the Brodzik reference does not disclose all the limitations of claim 13. For example, Brodzik does not disclose the limitation of “an insulation cup substantially encapsulating the current transformer such that the insulation cup provides a barrier within the void between the current transformer and the first coil and between the current transformer and the second coil” as set forth in amended claim 13. Instead, Brodzik discloses a current sensor 30 mounted on a mounting block 32 with a raised center portion 40 of the mounting block positioned within an aperture of the current sensor. Brodzik does not disclose an insulation cup encapsulating the current transformer and providing a barrier between the current transformer and the first and second coil, as required by claim 13.

As set forth above, Brodzik does not disclose all limitations of applicant’s claim 13. Because all limitations of applicant’s claim 13 are not disclosed in Brodzik, the examiner’s rejection of claim 13 under 35 U.S.C. § 102(b) should be withdrawn.

#### IV. The Rejection of Dependent Claims 2-7, 9-12 and 14-20 Should be Withdrawn

Dependent claims 2-7, 9-12 and 14-20 all depend from and incorporate all the limitations of one of allowable independent claims 1, 8 or 13. Moreover, each of these

dependent claims includes additional novel and non-obvious limitations. Accordingly, it is respectfully submitted that dependent claims 2-7, 9-12 and 14-20 are also allowable for the same reasons that independent claims 1, 8 and 13 are allowable, as well as additional reasons.

One example of a limitation not found in Brodzik, Baumann or Bolam is that of an insulation member connected to the utility meter housing, "wherein the insulation member extends through a hole defined by an interior portion of the insulation cup" as recited in claim 20. Because this limitation is not disclosed in any of Brodzik, Baumann or Bolam, claim 20 is allowable for at least this reason, as well as previously recited reasons.

V. Petition for Extension of Time

This response to Office action is being filed within one months following the June 15, 2006 shortened statutory period for reply to the Office action of March 15, 2006. Accordingly, applicant hereby petitions for a one month extension of time to file this response. A check in the amount of \$120.00 is enclosed in payment of the one month extension of time.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted that the examiner has not made a *prima facie* case of obviousness, and the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including original claims 1-20 is therefore respectfully requested.

Respectfully submitted,



Russell E. Fowler II  
Attorney Registration No. 43,615

Please address correspondence to:

Harold C. Moore  
Maginot Moore & Beck  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, Indiana 46204-5115

Telephone: (317) 638-2922  
Facsimile: (317) 638-2139  
Email: [hcmoore@maginot.com](mailto:hcmoore@maginot.com)

Enclosures: Return Postcard  
\$120.00 Check